

NAWCWDINST 12351.2
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NAWCWD INSTRUCTION 12351.2

From: Commander, Naval Air Warfare Center Weapons Division

Subj: REDUCTION IN FORCE OF NON-DEMONSTRATION PROJECT EMPLOYEES

Ref: (a) 5 CFR Part 351

1. Purpose. To set forth policy and provide information concerning reduction in force (RIF) procedures within the Naval Air Warfare Center Weapons Division (NAWCWD).

2. Cancellation. NAWCWPNSINST 12351.2.

3. Background

a. A RIF is conducted when an activity releases an employee from a competitive level by separation, furlough for more than 30 days, demotion, or reassignment requiring displacement, when the release is required because of one of the following reasons:

(1) Lack of work.

(2) Shortage of funds.

(3) Insufficient personnel ceiling.

(4) Reorganization.

(5) An individual's exercise of reemployment rights or restoration rights.

(6) Reclassification due to erosion of duties when it occurs within 180 days of a formally announced RIF in the competitive area.

b. RIF procedures cannot be used in the following situations:

(1) The termination of a temporary or term promotion or the return of an employee to a position held before the temporary or term promotion or the return of an employee to a position of equivalent grade and pay.

(2) A change to lower grade based on reclassification of an employee's position due to erosion of duties, except that this exclusion does not apply to such reclassification actions that will take effect after an agency has formally announced a RIF in the employee's competitive area, and when the RIF will take effect within 180 days. This exception ends at the RIF's completion.

(3) A change to lower grade based on reclassification of an employee's position due to the application of new classification standards or the correction of a classification error.

(4) Placement of an employee serving on an on-call or seasonal basis in a non-pay, non-duty status under conditions set up at the time of the appointment.

(5) A change in an employee's work schedule from part time to full time. (An involuntary change from full time to part time is covered by RIF procedures.)

(6) A reduction in the number of scheduled hours within a part time tour of duty (e.g., from 32 to 16 scheduled hours per week).

4. Policy. RIF is kept to the minimum extent possible. Efforts are made, before issuance of RIF notices and during the notice period, to place adversely affected employees by reassignment within and between departments. The authority in reference (a) can be used to waive minimum qualification requirements. This authority cannot be used to waive positive education requirements. Waiver of qualification requirements can be used for placement into a vacant position or bumping purposes, but not to retreat into an occupied position. Efforts are taken in advance of a RIF to release temporary employees, and to stop hiring new personnel in jobs for which excess personnel are qualified, so that vacancies can be used for placement of personnel adversely affected by a RIF. An activity is not required to fill vacancies in a RIF, but can choose to fill all, some, or none of them. When an activity chooses to fill a vacancy with persons affected by a RIF, RIF procedures must be used. The following competitive areas are set up:

a. All non-demonstration employees of NAWCWD Point Mugu, California with a duty station of Port Hueneme, Camarillo, Point Mugu, San Nicolas Island, or Santa Cruz Island, California will compete in one competitive area.

b. Non-demonstration employees of NAWCWD China Lake, California, and White Sands, New Mexico will compete within their respective duty stations.

c. All NAWCWD non-demonstration field service representatives and on site (e.g., Edwards Air Force Base) employees will compete in the commuting area of their respective duty stations.

5. Definitions

a. Bump. The assignment of an employee to a position held by another employee in a lower group or subgroup within the same tenure group in another competitive level.

b. Competing Employee. Generally an employee in tenure group I, II, or III in either the competitive or the excepted service.

c. Competitive Area. The organizational and geographical boundaries in which employees compete in a RIF.

d. Competitive Level. A group of positions in the same grade and classification series that have similar duties and other requirements.

e. Days. Calendar days.

f. Furlough. The placement of an employee in a temporary non-duty and non-pay status for more than 30 consecutive calendar days, or more than 22 workdays if done on a non-continuous basis, but not more than 1 year when the action is based on one of the RIF reasons and is not per pre-established conditions of employment.

g. Credit for Performance. Additional service credit for performance will be given based upon 5 CFR 351.504.

h. Local Commuting Area. A geographic area in which people live and can reasonably be expected to travel back and forth daily to work.

i. Notice Period. Employees will receive official written notification at least 120 days before effective date of RIF if 50 or more employees in a competitive area are separated. The notice period for RIFs involving less than 50 separation notices in a competitive area is 60 days. An agency can request an exception to the 60 or 120 day notice period when a RIF is caused by unforeseen circumstances. In no instance will the RIF notice period be less than 30 days.

j. Reorganization. The planned elimination, addition, or redistribution of functions or duties in an organization.

k. Retention Register. A list of competing employees within a competitive level who are grouped by tenure, veteran preference, and length of service augmented by performance credit.

l. Retreat. Displacing an employee with less service within the released employee's own tenure group and subgroup. The position must be the same position or essentially identical to a position held by the released employee in any Federal agency on a permanent basis.

m. Tenure Group. Competitive service tenure groups are as follows with a few exceptions:

(1) Group I, career employees not serving a probationary period for appointment to a competitive position.

(2) Group II, career-conditional employees and employees serving a probationary period for initial appointment to a competitive position.

(3) Group III, employees serving under indefinite appointment, temporary appointment pending establishment of a register, term appointment, status quo appointment or any other non-status non-temporary appointment.

6. Responsibilities

a. Competency Group Leaders. When it is determined that an adjustment of the work force is necessary, the organization concerned will attempt, with the Human Resources Department, to reassign personnel without a RIF.

b. Human Resources Department. On receipt of the requests, the Human Resources Department is responsible for carrying out all aspects of the RIF per current rules and regulations of the Office of Personnel Management and Department of the Navy. In addition, the Human Resources Department is responsible for:

- (1) Maintaining current retention registers.
- (2) Determining, along with operating managers, the degree to which minimum qualifications requirements can be waived during a RIF.
- (3) Determining competitive areas and competitive levels in which employees compete for positions.
- (4) Making sure that employees changed to lower grade as a result of a RIF action receive priority consideration for re-promotion to vacancies as they occur subsequent to the effective date of demotion.
- (5) Registering separated employees and employees changed to lower grade in Department of the Navy, Department of Defense, and Office of Personnel Management referral programs.
- (6) Working closely with management, employees and union officials to lessen the impact of the RIF on employees and Command Mission.

7. Directive Responsibility. The Head, Human Resources Department, Code 730000D is responsible for keeping this instruction current.

/s/
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